

REMARKS

Claims 1-34 are pending in the instant application. Claims 1 and 17 have been amended.

Rejection Under 35 U.S.C. 35 U.S.C. §103(a)

The Office has rejected claims 1-34 under 35 U.S.C. §103(a) over the Bompard et al. U.S. Patent No. 5,484,642 in view of the Vane U.S. Patent No. 5,445,693.

Applicant contends that all the claims are patentable over the Bompard and Vane references and requests withdrawal of the rejection under 35 U.S.C. §103(a).

Applicant has amended claims 1 and 17 as they were amended the parent case (now issued U.S. Patent 7,168,272 ('272 patent)) previously examined by the Examiner in the instant application. Claims 1 and 17 have been amended to clarify that the axes of the tow groups are in a coplanar relationship.

The Bompard '642 reference shows a woven laminate consisting of several layers of two-dimensional plain weave fabric that have been impregnated with a resin system. The Bompard fabric shown in Fig. 4 does not have fibers arranged with longitudinal axes aligned in a common plane. Because of the non-axial configuration, all of the fibers contained in the Bompard fabric end are subject to being crimped.

The MPEP, at § 2143.01, states that "[I]t is well-established that, in determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

The MPEP, at § 2143.03, also states that "[T]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of

that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)".

There is nothing in the Bompard reference that teaches or suggests that the axes of the tow groups are coplanar. Rather, the Bompard Figure 4 clearly teaches away from the present invention by showing traditional fabrics with non-aligned fibers.

Further, there is nothing in the Bompard reference or the Vane references that teaches or suggests that the spacing between tows in a tow group is less than the spacing between adjacent tow groups wherein the axes of the tow groups are coplanar.

Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 2-16 and 18-34 are dependent claims and are allowable over the Bompard and Vane references for at least the reasons set forth above.

Neither the Bompard nor Vane reference suggests a "crimp-free" fabric. The "crimp-free" feature of claims 8 and 19 provides much more than a "mere change in the number of components", as asserted by the Examiner. In the present invention, it is the variation in the number of tow groups in a coplanar-aligned axes of the rows and the alternating of the tow groups which help provide the novel, "non-crimping" feature to the fabric.

Therefore, claims 8 and 19 are also separately patentable over the Bompard and Vane references. Accordingly, Applicant requests withdrawal of the rejection of the claims under 35 U.S.C. §103.

In view of the above amendments to the claims and the remarks herein, the specification, drawings and claims are in proper form. The invention, as defined in the claims, is neither disclosed nor suggested by the references of record. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of record, and allowance of all claims.